under this statute for representing by telephone to a person in the Southern District of New York that he was Mr. A. Mitchell Palmer, a member of Congress, with the intent to defraud J. P. Morgan and Company, and the United States Steel Corporation, *held*, that the District Court of the United States for the Southern District of New York had jurisdiction to try the defendant, even though the defendant was not actually within the District at the time of the telephone conversation, since the personation took effect there. *Lamar* v. *United States*, (1916) 36 Sup. Ct. 255.

The question recalls the decision in *United States* v. *Freeman*, 36 Sup. Ct. 32, commented upon supra, page 249, where the court sustained the jurisdiction of the District Court for Kansas to punish the shipping of unmarked packages containing intoxicating liquors into Cherokee County, Kansas. In both cases the court declined to discuss the matter at any length, Mr. Justice HUGHES, writing the opinion in the principal case, characterizing the objection as "frivolous." Only one case was cited, *Burton* v. *United States*, 202 U. S. 344, 381, 50 L. Ed. 1057, 1071, 26 Sup. Ct. 688, 6 Ann. Cas. 362, 371, which held that the District in which was mailed a letter accepting defendant's offer to take a bribe had jurisdiction to punish the defendant for agreeing to receive a bribe. No reason appears for citing this case as an authority, unless it be upon the general point that the defendant need not be personally present in the jurisdiction in which he commits a crime. The court is undoubtedly correct in deciding that the personation took place where the message was received. It is settled by an overwhelming weight of authority that where the unlawfulness of a crime consists in communication to another person, and the communication is made through the mails, the offender may be tried at the place where the letter is received. *In re Palliser*, 136 U. S. 257, 265, 10 Sup. Ct. 1034, and cases cited. See also WHARTON, CRIMINAL LAW, (11 th. ed.) §334. The principal case is not inconsistent with those cases which hold that a contract made over the telephone is made in the place where the acceptor speaks. *Bank of Yolo* v. *Sperry Flour Co.*, 141 Cal. 314, 65 L. R. A. 90; *Tyng and Co.* v. *Converse*, 180 Mich. 195, 146 N. W. 629.

EQUITY—CONTRACT OF PURCHASE AS SUBJECT-MATTER OF CONSTRUCTIVE TRUST.—Defendant paid several installments upon a contract of purchase of an automobile with money obtained from plaintiff through fraud. Upon arrest for embezzlement the defendant assigned the contract of purchase to another party, a defendant in this suit. The vendor as a subterfuge attempted to rescind the former contract of sale and to execute a new one to this assignee, who paid other installments then due. *Held*, that a constructive trust in favor of plaintiff be impressed upon this contract of purchase to the amount of the defrauded money so invested. *Carter* v. *Holt et al.*, (Cal. App. 1915-16) 154 Pac. 37.

Equity will declare a constructive trust, in favor of an injured party, upon property purchased with funds secured by fraud or larceny. *Nebraska Nat. Bank* v. *Johnson*, 51 Neb. 546, 71 N. W. 294; *Edwards* v. *Culberson*, 111 N. C. 342, 16 S. E. 233, 18 L. R. A. 204. But the principal case presents a different situation from that presented in cases like those cited. Title to the

automobile was not alleged to be in the defendant. The trust was imposed upon the contract of purchase and not upon the automobile. A constructive trust is impressed upon a lease secured in fraud of a prior lessee. *Luse* v. *Rankin,* 57 Neb. 632, 78 N. W. 258; *Mitchell* v. *Reed,* 61 N. Y. 123. In the principal case the contract was not obtained by fraud, but the interest of defendant in the contract was purchased with the money taken from plaintiff through fraud. That interest was the subject of this constructive trust. See *Reynolds* v. *Aena Life Insurance* Co., 160 N. Y. 635, 55 N. E. 305, where a judgment debtor was declared a trustee of life endowment policies, the premiums of which had been paid up in fraud of a receiver. The transactions and subject matters to which the equitable remedy of impressing a constructive trust will be applied to avoid fraud are numerous and varied. *Barnes* v. *Thuet Brothers,* 116 Iowa 359, 89 N. W. 1085.

EVIDENCE.—CONFESSION INDUCED BY VIOLENCE ADMINISTERED TO ANOTHER.—Defendant was indicted for aiding and abetting two others in the commission of a crime. One of the others confessed after having been subjected to physical violence, and subsequently defendant also confessed. After his confession had been put in evidence, defendant offered to show that at the time he confessed he knew that such force and violence had been used toward his co-defendant. *Held* that the evidence as to the circumstances of the confession should have been admitted. *People* v. *Taranto,* (N. Y. 1916), 111 N. E. 753.

The rule has been variously expressed that to be admissible a confession must have been voluntarily made and not induced either by promise or threat. WIGMORE, § § 825, 826. A more accurate statement of the rule, having regard for the basis of exclusion of confessions, is expressed as follows: "Was the inducement such that there was any fair risk of a false confession?" WIGMORE, §824. The rule is often expressed in a statute as it is in New York, Code Crim. Pro. §395. By construction, the rule therein expressed is the same as that given above. *People* v. *White,* 176 N. Y. 331; *People* v. *Rogers,* 192 N. Y. 331. Obviously, each case must be decided upon its own facts, but some help may often be obtained from adjudicated cases. The question has been presented in at least three cases as to whether or not a confession made after seeing corporal violence done to a co-defendant to compel a confession would render the confession inadmissible. *State* v. *Lawson,* 61 N. C. 47; *Brister* v. *State,* 26 Ala. 107; *Frank* v. *State,* 39 Miss 705. In *State* v. *Lawson* and *Brister* v. *State, supra,* evidence of the circumstances surrounding the making of the confession was not only admitted but it was held that this evidence was sufficient to render the confession inadmissible. In *Frank* v. *State* supra the confession was held to be admissible, but the court said, "What was the particular cause of the whipping of the other slave, or whether it was because he was charged or suspected of a participation in the offense charged against the prisoner does not appear. For aught that appears, it might have been for resistance or other unlawful conduct of the slave. But it does not appear that it was done for the purpose of obtaining confessions from him, or that it was on account of the very same offense